

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Keam	Team: Team # 8	CCRB Case #: 200514554	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 12/02/2005 5:00 PM	Location of Incident: intersection of Utica Avenue and Sterling Place	Precinct: 77	18 Mo. SOL 6/2/2007	EO SOL 6/2/2007	
Date/Time CV Reported Sun, 12/04/2005 5:37 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 12/04/2005 5:37 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM John Acconi	05075	919972	077 PCT
3. POM John Devito	08847	915598	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Tillotson	30215	931330	077 PCT
2. POM Anthony Carozza	16222	929837	077 PCT
3. POM Brian Lukowsky	23188	928676	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Devito	Abuse: PO John Devito facilitated the stop of § 87(2)(b)	
B.POM John Acconi	Force: PO John Acconi stopped § 87(2)(b)	
C.POM John Acconi	Force: PO John Acconi used physical force against § 87(2)(b)	
D. An officer	Force: An officer struck § 87(2)(b) with a radio.	

Synopsis

On December 4, 2005, § 87(2)(b) called the CCRB to report the following incident. § 87(2)(b) stated that on December 2, 2005 he was walking down the street in the vicinity of Utica Avenue and Sterling Place when three officers approached him from behind. Those officers were acting on information provided by a fellow-officer on an observation post (Allegation A). An officer (PO1) tackled § 87(2)(b) to the ground (Allegation B) and punched him twice in the head (Allegation C). Shortly after § 87(2)(b) was tackled, two other officers arrived (PO2 and PO3). § 87(2)(b) stated that one of the three officers hit him in the head with a radio (Allegation D). § 87(2)(b) was arrested and charged with criminal possession of a controlled substance, but was released from Central Booking. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) is a § 87(2)(b) old black male approximately 6'0" and 200lbs. At the time of his interview, § 87(2)(b) was § 87(2)(b). § 87(2)(b) provided three statements regarding this incident: one at § 87(2)(b) on December 3, 2005 (enc. 26 a-I), one via telephone on December 14, 2005 (enc. 13) and the other at the CCRB on December 14, 2005 (enc. 14 a-c). Those statements were consistent and are summarized below.

On December 2, 2005 at approximately 4:30pm, § 87(2)(b) was coming from a friend's house on Sterling Place heading towards Utica Avenue. He was wearing a white Sean John sweatsuit and white sneakers. § 87(2)(b) stated that the building where his friend lives is known for drugs, but that while he was there he only knocked on his friend's door and then left. He did not speak to anyone. As § 87(2)(b) was walking down Sterling, three plainclothes officers got out of a black unmarked car and came towards him. PO1 (later identified as PO Acconi) was a White male, about 5' 6" with light hair and a crew cut. PO2 (later identified as PO Carozza) was also a White male about 5' 11" with a larger build, possibly wearing a hat. PO3 (later identified as PO Tillotson) was a White male, about 5' 11" with a medium build. The officers were wearing plainclothes. As the officers approached they said, "Give it up!" § 87(2)(b) stated that he did not resist, make any sudden movements, or try to run away. § 87(2)(b) stated that the officers just came up to him, tackled him to the ground, and started beating him up. § 87(2)(b) stated that one officer hit him on the forehead with a radio, another punched him in the jaw, and another pulled his arm behind his back so that § 87(2)(b) felt it might break. § 87(2)(b) said that he told the officers he didn't have anything and that he hadn't done anything wrong. After about 5 minutes or so, the officers picked § 87(2)(b) up off of the ground, patted him down, and then put him into a marked police van that was parked about 15 feet away. § 87(2)(b) was unable to say what involvement, if any, each of the officers had in the incident.

§ 87(2)(b) was taken to the 77 precinct. At the precinct, § 87(2)(b) asked what he was being charged with and an officer told him "misdemeanor possession". § 87(2)(b) stated that he was then fingerprinted, an arrest photo was taken, and he was taken to Central Booking. At about 3:00am an officer came and told § 87(2)(b) that they had dropped the charges and he was released. On § 87(2)(b) § 87(2)(b) went to § 87(2)(b) Hospital and was given a tetanus shot, a shot for his severe headache, and a CAT scan. At the hospital, § 87(2)(b) reported that he was "assaulted by police using walkie-talkie and their fists". He also stated that his "head [was] throbbing since {December 2}".

Results of Investigation

Witness Statements

§ 87(2)(b) is a § 87(2)(b) old black female about 5'4" and 125lbs. § 87(2)(b) is § 87(2)(b)'s girlfriend. She provided her only statement regarding the incident at the CCRB on December 14, 2005 (enc. 15a-c).

§ 87(2)(b) stated that on December 2, 2005 she was walking up Utica Avenue going to meet § 87(2)(b). § 87(2)(b) stated that she and § 87(2)(b) usually meet in that area after work. As § 87(2)(b) reached the intersection of Sterling Place and Utica Avenue she saw three officers in plainclothes beating a man on the sidewalk. § 87(2)(b) stated that she did not know that the man was § 87(2)(b) until she moved closer to the scene. When she got closer, she saw one officer hit § 87(2)(b) with a radio and another officer punch him. The officers then put § 87(2)(b) in handcuffs and took him to the 77th Precinct. § 87(2)(b) stated that if she saw the officers again she would be able to recognize them. § 87(2)(b) was unsure as to which officer had hit § 87(2)(b) with the radio or punched him, but she was able to provide descriptions of each of the officers. PO1 was a white male, about 6'0", dark hair and medium build. PO2 was a white male, about 5'4", medium build with brown hair in a crew cut. PO3 was a white male, about 6'0", medium build with dark hair and a crew cut. The officers were later identified as PO Acconi, PO Carozza, and PO Tillotson.

Officer Statements

PO Devito

PO John Devito is a § 87(2)(b). PO Devito has been a member of the New York City Police Department since 2001 and has been assigned to SNEU operations within the 77 Precinct for the last three years. PO Devito provided his only statement regarding the incident on August 9, 2006, at the CCRB (enc. 17a-b).

He stated that on December 2, 2005, he worked from 9:25 to 18:00 with the 77 Precinct SNEU Team. PO Devito was assigned to an observation post along with PO Lukowsky. The officers were dressed in plainclothes. PO Devito did not have any memo book entries regarding this incident.

PO Devito stated that on December 2, 2005 he and PO Lukowsky were on the rooftop of a building in the vicinity of Buffalo Avenue and Sterling Place. The target location that day was 1550 Sterling Place, which is a known drug prone location. PO Devito stated that he and PO Lukowsky were about 1 block east and across the street from 1550 Sterling Place. Using binoculars, PO Devito made several observations of drug transactions that day. At approximately 5:00PM, PO Devito observed a light-skinned male Black or Hispanic wearing an all white jumpsuit walk up to the front of 1550 Sterling Place. There were not many other individuals on the street at that time. It was near twilight, but PO Devito was clearly able to see the male. He stated that the male approached another male in the front of the building and had a brief conversation with him. PO Devito did not recall what the other male looked like. After a very brief conversation, PO Devito saw the male in the white jumpsuit take out US currency and exchange it for an object from the other male. PO Devito stated that he could not see what the object was, because it was covered by the individuals' hands, but stated that it was small. After the exchange, the male in the white jumpsuit walked westbound on Sterling Avenue towards Rochester. The interaction lasted about 30 seconds to 1 minute. After the male in the white jumpsuit crossed Rochester, PO Devito lost sight of him.

PO Devito then made a point-to-point radio transmission to the officers in the catch car (known to the CCRB as PO Acconi, PO Tillotson, and PO Carozza). PO Devito recalled the substance of the transmission as a buy by a, "light-skinned male Black or Hispanic with black hair, wearing a white jumpsuit". PO Devito later learned that the male in the white jumpsuit was apprehended in the vicinity of Utica and Sterling. PO Devito stated that prior to observing the male in the white jumpsuit, he made approximately 3 to 7 other observations at that target location. PO Devito stated that the seller with whom the male in the white jumpsuit interacted was not apprehended that day.

PO Lukowsky

PO Brian Lukowsky is a § 87(2)(b). PO Lukowsky has been a member of the New York City Police Department since 2001 and has worked with 77 Precinct SNEU operations for the last year. He provided his only statement regarding this incident at the CCRB on August 9, 2006 (enc. 19a-b).

PO Lukowsky stated that on December 2, 2005, he worked from 11:00 to 19:35 with the 77 Precinct SNEU Team. He was assigned security for the observation post and was working with PO Devito.

The officers were dressed in plainclothes. PO Lukowsky did not have any memo book entries regarding this incident.

PO Lukowsky stated that he and PO Devito were on the rooftop of a building about a block from their target location at 1550 Sterling Place. PO Lukowsky was performing security duties while PO Devito made observations. At some point, PO Lukowsky heard PO Devito put a description over point-to-point radio of a male Black or Hispanic travelling westbound on Sterling Avenue. PO Lukowsky stated that PO Devito probably put over a clothing description as well, but he could not recall what that was. PO Lukowsky did not make any observations that day and did not observe the male Black or Hispanic in question. When asked if 1550 Sterling Avenue is a known drug prone location, PO Lukowsky said, "yes" and stated that he has personally been involved in the execution of numerous search warrants at that location.

PO Acconi

PO John Acconi is a § 87(2)(b). He has been a member of the New York City Police Department since 1997. He provided two statements regarding the incident: one on the Omniform Arrest Sheet on December 2, 2005 (enc. 27a-b), and one at the CCRB on February 27, 2006 (enc. 21a-b).

PO Acconi stated that on December 2, 2005 he worked a 9:30 x 18:02 tour on a SNEU apprehension team assignment. PO Acconi was dressed in plainclothes and was assigned to unmarked RMP #497. He was working with PO Tillotson and PO Carozza. He did not have any memo book entries.

PO Acconi stated that he received a radio transmission from the officer who was on observation post that day. The officer stated that a tall, light-skinned male wearing a white jumpsuit walking westbound towards Utica Avenue had just purchased narcotics. PO Acconi observed that individual from the passenger seat of his unmarked RMP. After exiting his vehicle, PO Acconi approached the male (known to the CCRB as § 87(2)(b) and told him to "come here". As he did so, he saw some form of narcotics in § 87(2)(b) left hand (a white, rocky-like substance in a plastic twist). Upon seeing PO Acconi, § 87(2)(b) took the narcotics that were in his hand and placed them in his mouth. § 87(2)(b) turned and took about a step and a half before PO Acconi tackled him. § 87(2)(b) tried to push PO Acconi off of him and tried to get back up to his feet. PO Acconi was able to turn § 87(2)(b) over on his stomach. § 87(2)(b) refused to give PO Acconi his hands. PO Acconi told § 87(2)(b) to place his hands behind his back several times and § 87(2)(b) refused. PO Acconi then punched § 87(2)(b) once on the right side of his face. PO Acconi again told § 87(2)(b) to place his hands behind his back and § 87(2)(b) still refused. PO Acconi then punched § 87(2)(b) in the face a second time and § 87(2)(b) finally gave PO Acconi one of his arms. At that point, PO Tillotson and PO Carozza came over and assisted PO Acconi in handcuffing § 87(2)(b). PO Tillotson and PO Carozza cuffed the hand that § 87(2)(b) had offered and then PO Acconi pulled the other arm out from under § 87(2)(b) and cuffed that hand as well. PO Acconi stated that no other force was used. After § 87(2)(b) was handcuffed, the officers placed him in the unmarked RMP and transported him over to the prisoner van. PO Acconi stated that neither he nor the other officers hit § 87(2)(b) with a radio.

Omniform Arrest Sheet (enc.27a-b)

In the narrative of § 87(2)(b) arrest report PO Acconi wrote: "At t/p/o, the defendant was observed in a hand to hand drug transaction of United States Currency for an object. While [officers were] attempting to effect an arrest, he did refuse to be cuffed and was flailing his arms." The top charge is listed as criminal possession of a controlled substance

Omniform Complaint Sheet (enc. 28a-b)

In the narrative of § 87(2)(b) complaint report PO Acconi wrote: "At t/p/o the defendants were observed in a hand to hand transaction of United States Currency for an object pursuant to a SNEU operation with unapprehended seller." The three defendants listed on the complaint are § 87(2)(b) and § 87(2)(b)

PO Carozza

PO Anthony Carozza is a § 87(2)(b). He has been a member of the New York City Police Department since 2002. PO Carozza gave his only statement at the CCRB on March 15, 2006 (enc. 23a-b).

On December 2, 2005 PO Carozza worked an 11:00 by 17:35 tour, assigned to SNEU. He was dressed in uniform, in an unmarked car, and working with PO Acconi and PO Tillotson. PO Carozza did not have any entries in his memo book regarding this incident.

PO Carozza stated that on the date of incident he and Officers Acconi and Tillotson were on Rochester Avenue when they received a radio call from the officer on observation post. PO Carozza stated that he was driving the RMP. The call they received stated that a light-skinned male wearing a white tracksuit had been observed in a hand-to-hand transaction and was now heading westbound on Sterling towards Utica. PO Carozza directed the RMP onto Sterling, observed the male in question, and pulled up behind him. PO Carozza stated that after he stopped the RMP, all three officers exited. PO Carozza believed that PO Acconi exited first and approached the male (known to the CCRB as § 87(2)(b)). PO Carozza stated that he believed PO Acconi issued some sort of verbal instruction to § 87(2)(b) but was not sure what PO Acconi might have said. PO Carozza stated that he observed a small Ziplock bag of crack in § 87(2)(b) right hand. § 87(2)(b) realized that the officers were following him, put the bag of crack in his mouth, swallowed it, and started to run away. PO Acconi caught up with § 87(2)(b) and grabbed him by the arm. § 87(2)(b) pulled away from PO Acconi. In the process of PO Acconi grabbing § 87(2)(b) arm and § 87(2)(b) pulling away from PO Acconi, the two fell to the ground. PO Acconi landed on top of § 87(2)(b) and § 87(2)(b) landed face up on the ground. About ten or fifteen seconds after PO Acconi and § 87(2)(b) fell to the ground, PO Carozza and PO Tillotson caught up with them. PO Carozza and PO Tillotson then assisted PO Acconi in turning § 87(2)(b) over on his stomach and placing him in handcuffs. PO Carozza stated that he and the other officers pushed § 87(2)(b) s back to turn him over on his stomach. After about 30 seconds, the officers handcuffed § 87(2)(b). The officers then picked § 87(2)(b) up off the ground and put him in their RMP. PO Carozza stated that he did not notice any abrasions or injuries on § 87(2)(b) s person. He also stated that § 87(2)(b) did not complain of any injury when the officers picked him up. PO Carozza stated that he did not hit § 87(2)(b) with a radio, nor did he punch or kick § 87(2)(b). PO Carozza also stated that he did not see either PO Acconi or PO Tillotson hit § 87(2)(b) with a radio or punch or kick him.

PO Tillotson

PO Joseph Tillotson is a § 87(2)(b). He has been a member of the New York City Police Department since 2002. PO Tillotson gave his only statement regarding this incident at the CCRB on March 15, 2006 (enc. 25a-b).

PO Tillotson stated that on December 2, 2005 he worked an 11:00 by 19:35 tour on a SNEU assignment. He was dressed in plainclothes and assigned to unmarked RMP 407 (a dark blue, Ford Crown Victoria). His partners that day were PO Acconi and PO Carozza. PO Tillotson did not have any memo book entries regarding this incident.

PO Tillotson stated that on the date of incident he and his partners received a radio transmission that a male Hispanic in a white outfit had been observed in a hand-to-hand transaction. The male Hispanic was now walking westbound on Sterling towards Utica Avenue. PO Tillotson and his fellow officers proceeded to that location and observed a man fitting that description. The officers pulled up behind the man (known to the CCRB as § 87(2)(b)) and exited their vehicle. PO Tillotson stated that PO Acconi exited the vehicle first, and so he was closest to § 87(2)(b). As the officers followed, § 87(2)(b) looked over his shoulder and noticed them. PO Tillotson stated that he then observed § 87(2)(b) put a small white substance in his mouth. PO Tillotson stated that he believed that substance to be crack cocaine. After § 87(2)(b) put the substance in his mouth, he began to flee. PO Acconi then grabbed § 87(2)(b) arm and the two fell to the ground. § 87(2)(b) refused to put his hands behind his back and was struggling with PO Acconi. When PO Tillotson and PO Carozza caught up with them, they assisted PO Acconi in handcuffing § 87(2)(b). PO Tillotson estimated that it took about 30 seconds to handcuff § 87(2)(b). After § 87(2)(b) was handcuffed, the officers picked him up and took him to their vehicle. PO Tillotson stated

that he did not notice any marks or injuries on § 87(2)(b) person and that § 87(2)(b) did not complain of any injuries. PO Tillotson stated that he did not punch or kick § 87(2)(b) and he did not hit § 87(2)(b) with his radio. PO Tillotson stated that he also did not observe PO Acconi or PO Carozza punch or kick § 87(2)(b) or hit him with a radio.

Medical Records (enc. 26a-i)

§ 87(2)(b) went to § 87(2)(b) § 87(2)(b) and was treated on § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) -old black male states hit over the head yesterday with walkie-talkie and with fists. Complains of headache. Denies loss of consciousness, admits a little slurred. Prior medical history denied. Assess contusion/abrasion on right side of forehead.

§ 87(2)(b) § 87(2)(b) *Center: Emergency Triage Assessment*

Chief Complaint: My head is throbbing since yesterday

Pain Assessment: Acute pain to the head, assessed by the patient as severe throbbing pain with intermittent sudden onset since § 87(2)(b). Patient states he was assaulted by police using walkie-talkie and their fists. Patient presents to Emergency Department walking with... redness abrasion and slight swelling noted to right side of forehead.

Prescription Given

-Motrin (1 600mg pill) every 6 hours as needed for pain

-Ice pack

-Cleanse area with soap and water and apply Bacitracin (topical anti-biotic ointment)

CT Scan

Reason for exam: CT scan of the head study performed for rear of subpleural hematoma. No mass, infarct or intracranial bleeding noted. No bony abnormality seen.

Impression: Negative CT scan of the head

Police Records

Command Log (enc. 29)

The command log for December 2, 2005 lists an arrest at 17:05 by PO Acconi for § 87(2)(b). It shows that § 87(2)(b) was arrested for criminal possession of a controlled substance and lists his physical condition as "scratch to forehead".

Prisoner Holding Pen Roster (enc. 30a-d)

§ 87(2)(b) is listed in the Prisoner Holding Pen Roster at 17:20 hours and was signed out for Brooklyn Central Booking at 20:40 hours.

Property Voucher (enc. 31)

On the date of § 87(2)(b)'s arrest, one hairbrush was vouchered and taken into custody for safekeeping by the property clerk. The voucher number was § 87(2)(b).

Roll Call (enc. 32a-s)

The 77 Precinct Tour 2 roll call for the date of incident confirms that all of the officers were working and were assigned to the SNEU team.

Arrest Photo

The CCRB made two requests for § 87(2)(b) arrest photo. The first request was returned with the photograph of another individual. The investigator then resubmitted the request; however, the second request came back with the notation "no negative on file this date".

Disposition of § 87(2)(b) Arrest

There is no record of § 87(2)(b) arrest on December 2, 2005 in the OCA or BADS databases.

§ 87(2)(b)

Civil Lawsuits

As of August 11, 2006, § 87(2)(b) had not filed a notice of claim with the New York City Law Department pertaining to this incident.

Officers' History

None of the officers in this case has any substantiated CCRB allegations.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) provided a physical description of the three officers he encountered during the incident and stated that one of them was named PO Acconi. When PO Acconi was interviewed, he confirmed that he was present during the incident and stated that his partners that day were PO Tillotson and PO Carozza. Officers Tillotson and Carozza both recalled the incident and confirmed that they were present that day. In addition, the physical descriptions that § 87(2)(b) provided matched the pedigrees of the officers. The officers assigned to the observation post were identified from the 77 Precinct Tour 2 roll call for the date of incident and they confirmed their involvement in the incident in their CCRB interviews. Because PO Devito stated that he was the officer on observation post, Allegation A is being pleaded against him. Because PO Acconi stated that he was the officer who tackled § 87(2)(b) and then used force to gain his compliance, Allegations B and C are being pleaded against him. Because § 87(2)(b) was unable to provide a description of the officer who hit him with a radio, Allegation D is being pleaded against an officer.

Undisputed Facts

On December 2, 2005, PO Acconi tackled § 87(2)(b) punched him twice on the right side of his face, and arrested him.

§ 87(2)(b), § 87(2)(g)

§ 87(2) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation A: PO John Devito facilitated the stop of § 87(2)(b)

§ 87(2)(b) a light-skinned Black male with dark hair, was wearing a white jumpsuit on December 2, 2005. Also on that date, at approximately 5:00PM, he visited the building of a friend that lives on Sterling Place. PO Devito stated that on December 2, 2005, he saw a light-skinned Black or Hispanic male with black hair and a white jumpsuit engage in a hand-to-hand exchange of US currency for a small object (presumed to be narcotics) with another male in front of 1550 Sterling Place. PO Devito was unable to see the small object because the males' hands covered it. PO Devito, a three-year veteran of the 77 Precinct SNEU Team, stated that 1550 Sterling Place is a known drug-prone location. § 87(2)(g)

Barry Kamins' New York State Search and Seizure (2006 Ed) discusses probable cause in relation to drug cases. "Recently the New York State Court of Appeals adopted what is essentially a totality of circumstances standard, by reducing the emphasis on a police officer's ability to see the container used to transport drugs. In *People v. Jones* an experienced police officer observed the defendant, in a drug-prone area, exchange an unidentified object for currency with an unapprehended woman." The Court went on to conclude that "even if the officer cannot observe a hallmark of drug activity, i.e., the container being exchanged, probable cause can exist if there is some other indicia of drug activity. § 87(2)(g) . . ." In *People v. McRay*, the Court of Appeals identified three possible indicia relevant in determining probable cause:

- (1) a tell-tale sign" or "hallmark" of illicit drug activity
- (2) a drug-prone area
- (3) the experience of the arresting officer in drug cases (enc. 1a-c)

§ 87(2)(b), § 87(2)(g)

Allegation B: PO John Acconi stopped § 87(2)(b)

PO Acconi stated that he received a radio transmission from the officer who was on observation post (PO Devito) stating that a light-skinned male wearing a white jumpsuit had just purchased narcotics and was now heading westbound towards Utica Avenue. In his CCRB interview, PO Devito confirmed that he had made such a transmission. Based on information from PO Devito's observation, PO Acconi then observed an individual matching that description in the vicinity of Utica Avenue and Sterling Place. PO Acconi exited his RMP and approached the individual (known to the CCRB as § 87(2)(b) . . .). When he did so, PO Acconi saw § 87(2)(b) put a white rocky-like substance in his mouth and then turn to run. In order to prevent escape, PO Acconi tackled § 87(2)(b) to the ground.

§ 87(2)(b), § 87(2)(g)

Barry Kamins' New York State Search and Seizure discusses what is known as the "fellow-officer" rule (enc. 2a-b). "In . . . cases [where an officer made an arrest based on information received from a radio communication] the arresting officer will normally not have personal knowledge that the defendant committed a crime; thus, the arresting officer is relying entirely on what the "sending" officer tells him in the communication. Under the "fellow-officer" rule, an arresting officer acts with probable cause when: (1) he acts on the basis of information supplied by another officer which itself or together with information already known to the arresting officer establishes probable cause, or (2) he

arrests a defendant at the direction of another officer who had probable cause.” § 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

Allegation C: PO John Acconi used physical force against § 87(2)(b)

After PO Acconi tackled § 87(2)(b) to the ground, § 87(2)(b) began to struggle. PO Acconi stated that, in order to gain compliance, he punched § 87(2)(b) twice on the right side of his face. According to the Police Student’s Guide (enc. 3a-d), the use of fists constitutes use of an impact technique. “Impact techniques may be used to protect officers or others against assault... and include the use of batons and the use of fists and feet.” A condition or provocation that would permit an officer to use an impact technique would be one involving “physical assault likely to cause physical injury”.

PO Acconi’s initial attempts to gain § 87(2)(b)’s compliance included tackling him and then struggling with him to turn him over on his back. § 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation D: An officer hit § 87(2)(b) with a radio

§ 87(2)(b) alleged that one of the officers who stopped him hit him in the head with a radio. Officers Acconi, Carozza, and Tillotson all stated that they did not hit § 87(2)(b) with a radio. § 87(2)(b)’s medical records noted swelling and an abrasion to the right side of his forehead, which is consistent with PO Acconi’s statement that he punched § 87(2)(b) in that area. § 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: